

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (currently amended): A content distribution system ~~having comprising:~~  
~~a base station which utilizes at least one type of communication channel to distribute communication data content between the base station and at least one mobile station; and that uses a predetermined type of a communication channel to distribute content as its communication data to a mobile station, wherein~~  
~~the base station further comprising said base station includes channel switching determination means configured to determine whether the type of the which makes a determination of the at least one type of communication channel to be used between said base station and said mobile station is switched based on the a transmission distribution power for the distribution of the communication data content to one of the at least one mobile station, wherein~~  
~~the at least one type of communication channel, further comprises:~~  

~~an individual communication channel; and~~  
~~a common communication channel.~~

2. (currently amended) The content distribution system according to claim 1, wherein  
~~said the channel switching determination means is configured to determine whether~~  
~~the bases the determination communication channel- on a first downlink transmission power of the individual communication channel and a second downlink transmission power of the common~~

~~communication channel. is switched from a first communication channel that is being used for the distribution to a second channel whose type is different from that of the first communication channel based on the downlink transmission power of the first communication channel and the downlink transmission power of the second communication channel in the case where the second communication channel is used for the distribution.~~

3. (currently amended) The content distribution system according to claim 2, wherein said ~~the~~ channel switching determination means is configured to determine determines that the at least one type of communication channel is switched from the ~~first individual~~ communication channel to the ~~second common~~ communication channel in the case ~~where~~ when the second downlink transmission power of the ~~second communication channel~~ is less than the first downlink transmission power of the ~~first communication channel~~.

4. (currently amended) The content distribution system according to claim 2, wherein said ~~the~~ channel switching determination means includes means for switching the at least one type of communication channel from the ~~first individual~~ communication channel to the ~~second common~~ communication channel ~~when determining to perform the channel switching from the first communication channel to second communication channel such that the~~ as long as a total of the downlink transmission power of the base station during the channel switching from the ~~first individual communication channel~~ to ~~second the common~~ communication channel does not exceed ~~the~~ an upper limit of a transmission power that the base station can output to a cell.

5. (currently amended) The content distribution system according to claim 4, wherein

~~said first communication channel is an~~the individual communication channel that is individually assigned to ~~said the~~ at least one mobile station,

~~said second communication channel is a~~the common communication channel that is commonly assigned to ~~said the~~ at least one mobile station, and

~~said the channel switching control~~determination means ~~is configured to sequentially performs the channel switching for the individual~~ individual communication channel in ~~the an~~ ascending order ~~in terms of the transmission power required thereof to complete the channel switching from the individual~~ communication channel to the common communication channel.

6. (currently amended) The content distribution system according to claim 4, wherein

~~said first communication channel is a~~the common communication channel that is commonly assigned to ~~said the~~ at least one mobile station,

~~said second communication channel is an~~the individual communication channel that is individually assigned to ~~said the~~ at least one mobile station, and

~~said the channel switching control~~determination means ~~is configured to sequentially assigns the individual~~ communication channel to ~~said the~~ at least one mobile station in ~~the a~~ descending order ~~in terms of the downlink transmission power of the individual~~ communication channel through which ~~said the~~ at least one mobile station receives the communication data content ~~in the case where~~when the individual channel is used for the distribution; to complete the channel switching from the common communication channel to the individual communication channel.

7. (currently amended): The content distribution system according to claim 1-, wherein

~~said the channel switching determination means is configured to determine whether to switch the type of the communication channel between said base station and said mobile station in response to a change in the~~ bases the determination on a total number of the at least one mobile station.

8. (currently amended): The content distribution system according to -claim 1-, wherein ~~said the channel switching determination means is configured to determine whether to switch the type of the communication channel between the base station and the mobile station in response to a change in the~~ bases the determination on an allowable number of the at least one mobile station stations that receive a service of the distributing distribution of the communication data content.

9. (currently amended): The content distribution system according to -claim 1-, wherein ~~said the channel switching determination means is configured to determine whether to switch the type of the communication channel between said base station and said mobile station in response to a change in the~~ bases the determination on an allowable number of the at least one mobile stations that receive services other than that of distribution of the communication data content ~~distributing the content~~.

10. (currently amended): The content distribution system according to -claim 1-, wherein ~~said switching the determination of the at least one type of the communication channel between said the base station and said the at least one mobile station is performed in the distribution of the communication data content~~ service of distributing the content.

11. (currently amended): A channel switching control ~~determination~~ method of a content distribution system having comprising:

utilizing at least one type of communication channel to distribute communication data content between a base station and at least one mobile station ~~a base station that uses a predetermined type of a communication channel to distribute content as its communication data to a mobile station, said method comprising~~

~~a channel switching determination step of~~  
~~determining whether the type of the~~ one of the at least one type of communication channel used between said base station and said mobile station is switched based on the a transmission distribution power for of the communication data content distribution to one of the at least one the mobile station, wherein

the at least one type of communication channel, further comprises:

an individual communication channel; and

a common communication channel.

12. (currently amended) The channel switching control ~~determination~~ method according to claim 11, ~~wherein~~ further comprising:

determining the one of the at least one type of communication channel used on the basis of a first downlink transmission power of the individual communication channel and a second downlink transmission power of the common channel.

~~in said channel switching determination step, it is determined whether the communication channel~~ determining whether the at least one type of communication channel is switched from a

~~first~~ an individual communication channel that is being used for the distribution to a ~~second~~ common communication channel whose type is different from that of the first communication channel based on the basis of a first downlink transmission power of the first individual communication channel and ~~the~~ a second downlink transmission power of the ~~second~~ common communication channel in the case ~~where~~ when the ~~second~~ common communication channel is being used, ~~for the distribution~~.

13. (currently amended) The channel ~~switching control~~ determination method according to claim 12, ~~wherein~~ further comprising:

~~in said channel-switching determination step, it is determined that~~ determining the at least one type of communication channel is switched from the first individual communication channel to the ~~second~~ common communication channel in the case ~~where~~ when the second downlink transmission power of the ~~second~~ communication channel is less than the first downlink transmission power of the ~~first~~ communication channel.

14. (currently amended) The channel switching control method according to claim 12, ~~wherein~~ further comprising:

~~said channel-switching determination step comprises a channel-switching control step of~~ switching ~~determining the at least one type of~~ communication channel is switched from the first individual communication channel to the ~~second~~ common communication channel ~~such that the~~ as long as a total of the downlink transmission power of the base station during the channel switching ~~from the first to second communication channel~~ does not exceed ~~the~~ an upper limit of a transmission power that the base station can output to a cell, ~~in the case where it is determined~~

~~to perform the channel switching from the first communication channel to the second communication channel.~~

15. (currently amended) The channel switching control method according to claim 14,  
~~wherein~~ further comprising:

~~said first communication channel is an~~assigning individually the individual  
communication channel that is individually assigned to said to the at least one mobile station;

~~said second communication channel is a~~assigning commonly the common  
communication channel that is commonly assigned to said to the at least one mobile station;  
and

~~in said channel switching control step, performing sequentially the determining the at~~  
~~least one type of communication channel the channel switching is sequentially performed for~~  
the individual communication channel in the an ascending order in terms of the downlink  
transmission power ~~thereof~~ to complete the channel switching from the individual  
communication channel to the common communication channel.

16. (currently amended) The channel switching control method according to claim 14,  
~~wherein~~ further comprising:

~~said first communication channel is a~~assigning commonly the common communication  
channel that is commonly assigned to said to the at least one mobile station;

~~said second communication channel is an~~individually assigning the individual  
communication channel that is individually assigned to said to the at least one mobile station;  
and wherein

the determining the at least one type of communication channel further comprises: ~~in said channel switching control step,~~

sequentially assigning the individual communication channel is sequentially assigned to said the at least one mobile station in the a descending order in terms of the downlink transmission power of the individual communication channel;

receiving the communication data content through which said the at least one mobile station receives the content in the case where when the individual communication channel is used for the distribution; and, to

complete completing the channel switching from the common communication channel to the individual communication channel.

17. (currently amended): The channel ~~switching control~~ determination method according to claim 11, ~~wherein further comprising:~~

~~in said channel switching determination step, it is determined whether to switch~~  
determining the at least one type of the communication channel between said base station to said mobile station in response to a change in the on a basis of a total number of said the at least one mobile station.

18. (currently amended): The channel ~~switching control~~ determination method according to claim 11, ~~wherein further comprising:~~

~~in said channel switching determination step, it is determined whether to switch~~  
determining the at least one type of the communication channel between said base station and said mobile station in response to a change in the on the basis of an allowable number of the



at least one mobile stations that receive a service of the distribution of the communication data  
content~~distributing the content.~~

19. (currently amended): The channel ~~switching control~~determination method according to claim 11,~~wherein~~ further comprising:

~~in the channel switching determination step, it is determined whether to~~  
~~switch~~determining the at least one type of the communication channel between the base station  
~~and the mobile station in response to a change in the~~on the basis of an allowable number of the at  
least one mobile stations that receive mobile communication services other than that of the  
distribution of the communication data content~~distributing the content.~~

20. (currently amended): The channel switching control method according to claim 11,  
wherein

the determining of the at least one type of communication channel between the base  
station and the at least one mobile station is performed in the distribution of the communication  
data content.

~~said switching of the type of the communication channel between the base station and the~~  
~~mobile station is performed in the service of distributing the content.~~

21. (currently amended): A network ~~having~~comprising:

at least one a base station that uses a predetermined type of awhich utilizes at least one  
type of communication channel to distribute content as its communication data content between  
the at least one base station and at least one to a mobile station; and ,said network comprising

~~channel switching determination means configured to determine whether the~~ which  
~~makes a determination on the at least one type of the communication channel to be used between~~  
~~said base station and said mobile station is switched based on the~~ a transmission distribution  
~~power for of the communication data content distribution to one of the at least one said mobile~~  
~~station-, wherein~~

the at least one type of communication channel, further comprises:

an individual communication channel; and

a common communication channel.

22. (currently amended) The network according to claim 21, further comprising: a  
a base station control device station that which controls ~~said the at least one~~ base station,  
wherein

~~said the~~ channel switching determination means is configured to determine whether the  
~~communication channel bases the determination of whether the at least one type of~~  
communication channel is switched from an individual communication channel to a common  
communication channel on a first downlink transmission power of the individual communication  
channel and a second downlink transmission power of the common communication channel  
when a common communication channel transmission power is set between the first downlink  
transmission power and the second downlink transmission power. is switched from a first  
~~communication channel that is being used for the distribution to a second communication~~  
~~channel whose type is different from that of the first communication channel based on the~~  
~~downlink transmission power of the first communication channel and the downlink transmission~~  
~~power of the second communication channel in the case where the second communication~~

~~channel is set between the base station and mobile station under the control of the base station control station and used for the distribution.~~

23. (currently amended) The network according to claim 22, wherein  
~~said the channel switching determination means is configured to determine that the communication channel is~~ bases the determination to switch ~~switched from the first individual communication channel to the second common communication channel in the case where~~ when the second downlink transmission power of the second communication channel is less than the first downlink transmission power of the first communication channel.

24. (currently amended) The network according to claim 22, wherein  
~~in the case where said channel switching determination means determines to perform the channel switching from the first communication channel to the second communication channel, said the base station control station device based on the determination is configured to control directs the at least one base station to switch the at least one type of communication channel from the first individual communication channel to the second common communication channel such that the as long as a total of the downlink transmission power of said the at least one base station during the channel switching from the first to second communication channel does not exceed the an upper limit of a transmission power that the at least one base station can output to a cell.~~

25. (currently amended) The network according to claim 24, wherein

~~said first communication channel is an~~the individual communication channel that is individually assigned to ~~said the~~ at least one mobile station, ~~said second communication channel is a~~the common communication channel that is commonly assigned to ~~said the~~ at least one mobile station, and

~~said the~~ base station control station ~~device is configured to sequentially performs~~ the channel switching determination for the individual communication channel in ~~the an~~ ascending order ~~in terms of~~ the downlink transmission power thereof to complete the channel switching determination from the individual communication channel to the common communication channel.

26. (currently amended) The network according to claim 24, wherein

~~said first communication channel is a~~the common communication channel that is commonly assigned to ~~said the~~ at least one mobile station,

~~said second communication channel is an~~the individual communication channel that is individually assigned to ~~said the~~ at least one mobile station, and

~~said the~~ base station control station ~~device is configured to sequentially assigns~~ the individual communication channel to the at least one mobile station in ~~the a~~ descending order ~~in terms of~~ the downlink transmission power of the individual communication channel, ~~and through which said~~

the at least one mobile station receives the communication data content to determine the at least one type of communication channel ~~in the case where~~when the individual communication channel is used, ~~for the distribution, to complete the channel switching from the common channel to the individual channel.~~

27. (currently amended) The network according to claim 21, wherein  
said ~~the~~ channel switching determination means is ~~is configured to determine whether to~~  
~~switch the type of the communication channel between said base station and said mobile station~~  
~~in response to a change in the~~ bases the determination on a total number of the at least one mobile  
station.

28. (currently amended): The network according to claim 21, wherein  
said ~~the~~ channel switching determination means is ~~is configured to determine whether to~~  
~~switch the type of the communication channel between said base station and said mobile station~~  
~~in response to a change in the~~ bases the determination on an allowable number of the at least one  
mobile stations that receives a service of distributing distribution of the communication data  
content.

29. (currently amended): The network according to claim 21, wherein  
said ~~the~~ channel switching determination means is ~~is configured to determine whether to~~  
~~switch the type of the communication channel between said base station and said mobile station~~  
~~in response to a change in the~~ bases the determination on an allowable number of the at least one  
mobile stations that receives mobile communication services other than that of distribution of the  
communication data content, distributing the content.

30. (currently amended): The network according to claim 21, wherein

the determination of the at least one type of communication channel between the at least one base station and the at least one mobile station is performed in the distribution of the communication data content.

~~said switching of the type of the communication channel between said base station and said mobile station is performed in the service of distributing the content.~~

31. (currently amended): A channel ~~switching control~~determination method of a network ~~having comprising:~~

using at least one type of communication channel to distribute communication data content between a at least one base station that uses a predetermined type of a communication channel to distribute content as its communication data to a and at least one mobile station, said method comprising:

determining whether the type of the at least one type of communication channel between the base station and the mobile station is switched based on the used based on a transmission distribution power for of the communication data content distribution to the to one of the at least one mobile station-, wherein

the at least one type of communication channel, further comprises:

an individual communication channel; and

a common communication channel.

32. (currently amended) The channel ~~switching control~~determination method according to claim 31, ~~wherein~~ further comprising:

said directing the at least one base station by using network includes a base station control station device that controls said base station in the network; -and

determining whether the at least one type of communication channel is switched from an individual communication channel to a common communication channel on the basis of a first downlink transmission power of the individual communication channel and a second downlink transmission power of the common channel when a common communication channel transmission power is set between the first downlink transmission power and the second downlink transmission power. ~~it is determined whether the communication channel is switched from a first communication channel that is being used for the distribution to a second communication channel whose type is different from that of the first communication channel based on the downlink transmission power of the first communication channel and the downlink transmission power of the second communication channel in the case where the second communication channel has been set between the base station and the mobile station under the control of the base station control station and used for the distribution.~~

33. (currently amended) The channel switching control method according to claim 32, ~~wherein~~ further comprising:

~~it is determined~~ determining that the at least one type of communication channel is switched from the ~~first~~ individual communication channel to the ~~second~~ common communication channel ~~in the case where~~ when the second downlink transmission power of the ~~second~~ communication channel is less than the first downlink transmission power of the ~~first~~ communication channel.

34. (currently amended) The channel switching control method according to claim 32, ~~wherein~~ further comprising:

~~in the case where it is determined to perform the channel switching from the first communication channel to second communication channel, said base station control station~~directing the base station by the base station device according to the determination  
~~controls the base station to switch the~~ at least one type of communication channel from the first individual communication channel to the second common communication channel such that  
~~the as long as a total of the downlink transmission power of the~~ at least one base station during  
~~the channel switching from the first to second communication channel does not exceed the an~~  
upper limit of a transmission power that the at least one base station can output to a cell.

35. (currently amended) The channel switching control method according to claim 34,  
~~wherein~~ further comprising:

~~said first communication channel is an~~assigning individually the individual  
communication channel that is individually assigned to said to the at least one mobile station;

~~said second communication channel is a~~assigning commonly the common  
communication channel that is commonly assigned to said to the at least one mobile station;  
and

~~said sequentially performing the channel switching by the base station device control station sequentially performs the channel switching for the individual~~ communication channel in  
~~the an ascending order in terms of the of a downlink transmission power thereof to complete the~~  
channel switching from the individual communication channel to the common communication  
channel.



36. (currently amended) The channel switching control method according to claim 34,  
~~wherein~~ further comprising:

~~said first communication channel is assigning commonly the common~~ communication  
~~channel that is commonly assigned to said~~ to the at least one mobile station;

~~said second communication channel is an~~ assigning individually the individual  
communication channel that is individually assigned to said to the at least one mobile station;

and

assigning sequentially the individual communication channel to the at least one mobile  
device by the said base station device ~~control station sequentially assigns the individual channel~~  
~~to the mobile station in the~~ a descending order of ~~in terms of the downlink transmission power~~  
of the individual communication channel through which the at least one mobile station receives  
the communication data content ~~in the case where the individual channel is~~ when used, for the  
~~distribution, to complete the channel switching from the common channel to the individual~~  
~~channel.~~

37. (currently amended): The channel switching control method according to claim 31,  
~~wherein~~ further comprising:

~~it is determined whether to switch~~ determining the at least one type of the communication  
~~channel between said base station and said mobile station in response to a change in the~~ on the  
basis of a total number of said ~~the~~ at least one mobile station.

38. (currently amended): The channel switching control method according to claim 31,  
~~wherein~~ further comprising:

~~it is determined whether to switch~~determining the at least one type of the communication  
~~channel between said base station and said mobile station in response to a change in the~~on the  
basis of an allowable number of the at least one mobile stations that receives a distribution of the  
communication data content.~~receive a service of distributing the content.~~

39. (currently amended): The channel switching control method according to claim 31,  
~~wherein~~ further comprising:

~~it is determined whether to switch~~determining the at least one type of the communication  
~~channel between said base station and said mobile station in response to a change in the~~on the  
basis of an allowable number of the at least one mobile stations that receive mobile  
communication services other than a distribution of the communication data content.~~that of~~  
~~distributing the content.~~

40. (currently amended): The channel switching control method according to claim 31,  
wherein

the determining of the at least one type of communication channel between the at least  
one base station and the at least one mobile station is performed in the distribution of the  
communication data content.~~said switching of the type of the communication channel between~~  
~~said base station and said mobile station is performed in the service of distributing the content.~~

41. (new): A content distribution system comprising:

a base station which utilizes at least one of an individual communication  
channel and a common communication channel to distribute communication data content  
between the base station and at least one mobile station; and

the base station further comprising channel adjustment means which adjusts a transmission power of the individual communication channel and a transmission power of the common communication channel so that a total transmission power of the individual communication channel and the common communication channel comply with a predetermined value.